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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,449	01/09/2006	Bernd Schwenzer	101215-189	1690

27387 7590 06/27/2006

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EXAMINER	
SHIN, DANA H	

ART UNIT	PAPER NUMBER
1635	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/537,449			

EXAMINER	
DANA H. SHIN	
ART UNIT	**PAPER**
1635	20060612

DATE MAILED:

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Commissioner for Patents

This Office communication is necessitated by Elections, filed on June 1, 2006. Applicants have elected claims 1-11 pertaining to two regions 2206-2225 and 2331-2350.; however, the elected claims contain sequence rule non-compliance. See below.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. CFR §1.821(d) reads as follows:Where the description or claims of a patent application discuss a sequence that is set forth in the "Sequence Listing" in accordance with paragraph (c) of this section, reference must be made to the sequence by use of the sequence identifier, preceded by "SEQ ID NO:" in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims or the patent application. Claims 1, 2, and 9 as well as the sequences contained in Table 2 on page 15 of the instant specification contain nucleic acid sequences which are not preceded by "SEQ ID NO:". Note that a Gene Accession number is not an acceptable form of the sequence identifier.

Applicants are encouraged to carefully review the entire application and ensure full compliance with all sequence rules.Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

/JS Schultz/
JAMES SCHULTZ, PH.D.
PRIMARY EXAMINER

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 37 CFR §1.821(g). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. §§1.821 - 1.825 for the following reason(s):

- [X] 1. This application clearly fails to comply with the requirements of 37 C.F.R. §§1.821-1.825. Applicants attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- [X] 2. This application does not contain, as a separate part of the disclosure on paper copy, a Sequence Listing as required by 37 C.F.R. §1.821(c).
- [X] 3. A copy of the Sequence Listing in computer readable form has not been submitted as required by 37 C.F.R. §1.821(e).
- [ ] 4. A copy of the Sequence Listing in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. §1.822 and/or 1.823, as indicated on the attached copy of the marked-up Raw Sequence Listing.
- [ ] 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. §1.825(d).
- [ ] 6. The paper copy of the Sequence Listing is not the same as the computer readable from of the Sequence Listing as required by 37 C.F.R. §1.821(e).
- [X] 7. Other: The elected claims 1, 2, and 9 as well as the sequences listed in Table 2 of the instant specification (page 15) contain nucleic acid sequences which are not preceded by "SEQ ID NO:".

Applicant Must Provide:

- [X] An initial or substitute computer readable form (CRF) copy of the Sequence Listing. (If the unidentified sequences are not provided on the CRF)
- [X] An initial or substitute paper copy of the Sequence Listing, as well as an amendment directing its entry into the specification. (If the unidentified sequences are not provided in the paper copy)
- [X] A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. §1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d). (If a new paper and/or CRF are required)

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
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